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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,462	08/19/2003	Arthur J. Allison	SWA-30140	4137

7590 07/01/2005  
Pamela S. Smith  
Southwest Airlines Co.  
2702 Love Field Drive, HDQ-4GC  
Dallas, TX 75235

EXAMINER
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ST CYR, DANIEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/643,462	<b>Applicant(s)</b> ALLISON ET AL.	
	<b>Examiner</b> Daniel St.Cyr	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katoh et al, US Patent no. 5,992,747, in view of Gupta et al, US Patent No. 5,361,871.

Katoh et al disclose a stationary and hand held information reading apparatus with pivot type mounting comprising: a bar-code reading apparatus 32; an enclosure 34, the bar-code reading apparatus 32 includes a hand-holding portion or handle 35, and a reading portion 36; a reading window 37 is formed in one side of the reading portion 36; depressions 38a and 38b are formed in the hand-holding portion 35, to make it easy and comfortable to hold by hand, on

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two opposite sides in a boundary portion between the hand-holding portion 35 and reading portion 36; an LED indication portion 39a is provided at a ramp surface 36a between, the LED indication portion 39a is provided on the same side of the enclosure 34 on which side the reading window 37 is provided; projections 40a and 40b are integrally formed on two opposite ends of the enclosure 34; a stand 33 having two supporting portions 43a, 43b are integrally formed to stand at two opposite sides of a reading table 42, respectively, the bar-code reading apparatus 32 are engage the supporting-point cut-out portions 44a and 44b when the apparatus 32 is placed on the supporting portions 43a and 43b; a power supply unit 52; a laser light source 53; a motor 54; a decoder 55; and a speaker 58 to generate a finish sound (see figures 1-4, 9-11; col. 5, line 9+).

Katoh et al fails to disclose or fairly suggest that the device is mobile having wheel for moving from one location to the next.

Gupta et al disclose a product information system for shoppers comprising: a mobile unit having optical reading device, portable power source, wheels for moving the mobile unit from one location to the next (see figure 4).

In view of Gupta et al teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system Katoh et al into a mobile unit. Such modification would provide greater convenience and would the system more desirable, wherein the unit could be use in a stationary mode and/or in a portable mode. With respect to the specific use, such mail processing, is just a specific method of use, which would be obvious over the prior art. Therefore, it would have been an obvious extension as taught by Katoh et al. The system of Katoh et al as modified by Gupta et al meets all the structural

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limitations as set forth in the claims and capable of performing all the method steps and could be used to perform all the specific method of use.

***Conclusion***

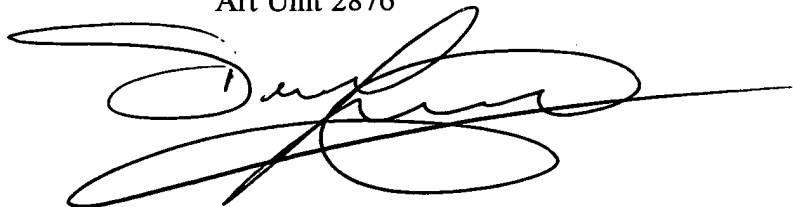
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Herzig et al, US Patent No. 6,594,503. Bonini et al, US Patent No. 6,769,568.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', with a large, sweeping flourish extending from the bottom right.

DS  
June 25, 2005